

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
P.C. 1/14/04 Item: 4.a.

File Number
PDC03-054

Application Type
Planned Development Rezoning

Council District
6

Planning Area
Central

Assessor's Parcel Number(s)
261-01-010, -011, -012, and -088

PROJECT DESCRIPTION

Completed by: Erin Morris

Location: Northeast corner of Rhodes Court and The Alameda

Gross Acreage: 0.94

Net Acreage: 0.94

Net Density: n/a

Existing Zoning: CP Commercial
Pedestrian and CO Commercial Office

Existing Use: Vacant single family residence, vacant commercial building,
and surface parking lot

Proposed Zoning: A(PD) Planned Development

Proposed Use: Commercial building and drive-through pharmacy

GENERAL PLAN

Completed by: ELM

Land Use/Transportation Diagram Designation
General Commercial

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by:
ELM

North: Residential

CO Commercial Office

East: Commercial

CG Commercial General

South: Commercial

CG Commercial General

West: Commercial and residential

CG Commercial General and CO Commercial Office

ENVIRONMENTAL STATUS

Completed by: ELM

☐ Environmental Impact Report found complete
☒ Negative Declaration circulated on December 19, 2003
☒ Negative Declaration adopted on January 8, 2004

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: ELM

Approved by: College Park/Durham Street

Date: 12/8/2005

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: ELM

Department of Public Works

See attached memorandum.

Other Departments and Agencies

See attached memorandum from the Fire Department.

GENERAL CORRESPONDENCE

See attached correspondence from Martin Alkire dated July 8, 2003; Chris Eckert dated July 8, 2003; Robin Eckert dated August 25, 2003; Brian Pirkel dated August 28, 2003; Brian Pirkel dated September 13, 2003; Martin Alkire dated October 10, 2003; Brian Pirkel dated October 19, 2003; Martin Alkire dated December 2, 2003; Martin Alkire dated December 10, 2003; Martin Alkire dated January 7, 2003.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

Longs Drug Store is requesting a Planned Development Rezoning from CP Commercial Pedestrian and CO Commercial Office to A(PD) Planned Development to allow development of up to 13,500 square feet of commercial uses with associated drive-through pharmacy and surface parking facilities.

The site is located on the northeast corner of Rhodes Court and The Alameda. Single and two-family homes are located to the north of the site, a hotel is located to the east, retail commercial is located to the south, and single-family houses and office uses are located to the west. The site is located within the Alameda Neighborhood Business District. The site is irregularly shaped, flat, and contains a vacant single-family house, vacant commercial building, and surface parking. The project proposes demolition of all structures on the site.

Prior Approvals

On December 16, 2003, the City Council approved a General Plan Amendment (City File No. GP03-06-09) to change the General Plan designation to General Commercial for the entire 0.94 site including the single-family property. The General Plan Amendment was necessary in order to accommodate a portion of the proposed parking lot on the northerly parcel which was previously designated for single-family residential use.

Project Description

The project proposes a new commercial building, up to 13,500 square feet in size, including a drive-through pharmacy. The single-story commercial building is located on the corner of The Alameda and Rhodes Court, with landscaping and surface parking facilities provided on the remainder of the site. The project proposes a main entry on the east side of the commercial building, adjacent to the parking facilities approximately 35 feet from The Alameda sidewalk, and a second pedestrian entrance on The Alameda. Vehicular access to the site is proposed to be provided via a signalized driveway onto The Alameda, and a secondary driveway onto Rhodes Court. The applicant is proposing that the Planned Development Zoning allow the off-sale of alcohol.

PUBLIC OUTREACH

A community meeting for the subject rezoning application was held on September 3, 2003 at the Westminster Church. The developer held additional meetings with members of the community during the application process. The community expressed numerous concerns about the proposed rezoning, including concerns about the impacts of the proposed drive-through pharmacy and the proposed driveway onto Rhodes Court on the adjacent and surrounding single-family homes on Rhodes Court. They expressed concerns about new traffic on nearby residential streets, including Rhodes Court, Cleaves Avenue, and Sunol Avenue. Community members pointed out that drive-through uses are not consistent with the desired pedestrian character of The Alameda and that the entrance to the new building should be oriented toward The Alameda. The community also expressed concern about existing vagrancy problems in the area, and opposition to the proposed off-sale of alcohol due to the large number of other off-sale establishments in the area.

Planning staff has received a considerable amount of correspondence (see attached) and telephone calls regarding the project, and has responded to numerous inquiries about the project from members of the community.

ENVIRONMENTAL REVIEW

GENERAL PLAN CONFORMANCE

The proposed rezoning is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of General Commercial with Neighborhood Business District Overlay.

The General Commercial land use designation with the Neighborhood Business District (NBD) overlay is applied to neighborhood-serving commercial areas where pedestrian activity is considered desirable. The existing pattern of development on The Alameda is an example of a “Main Street” design, where buildings are located adjacent to the street with parking areas in the back of the lot. This configuration is a key component to creating a pedestrian-oriented street environment.

The project proposes commercial uses that conform to the General Commercial designation. The proposed commercial building is oriented toward The Alameda, with surface parking provided adjacent to and behind the new structure. The site design incorporates two pedestrian paths into the site, one from each of the adjoining streets, and provides wide sidewalks along The Alameda. The project proposes two store entrances, one facing to the east into the parking area and located approximately 35 feet from The Alameda, and the second store entrance located directly adjacent to The Alameda. These entrances contribute to the project’s pedestrian-friendly design. The conceptual architecture includes a series of windows along the street frontages to further enhance the pedestrian experience. Based on the project’s pedestrian-oriented “Main Street” design, staff concludes that the proposed rezoning is consistent with the Neighborhood Business District Overlay.

The General Plan discourages vehicle-oriented uses such as drive-through facilities along major thoroughfares within NBD areas. However, based on the low-intensity nature of the proposed drive-through pharmacy use, staff concludes that the proposed Planned Development Rezoning is consistent with the intent of the NBD designation in that the proposed drive-through pharmacy, unlike other drive-through uses such as fast food restaurant, will generate very little traffic, is located away from the pedestrian entrances and, consequently, is not anticipated to conflict with the pedestrian-orientation objectives of the NBD.

ANALYSIS

The primary issue associated with this proposal is land use compatibility and site design. The project site directly adjoins a property containing a single-family house, and the proposed parking facilities to serve the new commercial building will be across the street from two single-

exceed the City standard dimensions. Staff believes that an adequate landscape buffer is crucial for this site and will work with the applicant at the Planned Development Permit stage to reduce unnecessary pavement and provide landscaping in conformance with the Commercial Design Guidelines.

Given the site's proximity to the HP Pavilion, the parking lot may be attractive to Pavilion patrons. Staff will work with the applicant and the community at the Planned Development Permit stage to identify effective ways of securing the parking area when the store is not in operation to prevent potential late night parking issues.

Interface with The Alameda. The project includes a building oriented toward The Alameda, is providing 20-foot sidewalks along The Alameda to help improve the pedestrian environment. In addition, the applicant is proposing two store entrances: one entrance located on the east side of the building, approximately 35 feet from the sidewalk on The Alameda and facing the parking lot, and the second entrance on The Alameda side of the store. The applicant has indicated that it may not be feasible to initially utilize both entrances when the store opens, but at such time as the pedestrian activity along The Alameda increases, the entrance could be opened to provide more convenient pedestrian access from the public sidewalk. Staff will work closely with the applicant at the Planned Development Permit stage to ensure that the entrance facing The Alameda is treated (with a combination of planters or other architectural features) so that it will read architecturally as an entrance but not confuse customers during the time that it remains closed.

Drive-Through Design. Staff initially identified the proposed drive-through as a key issue of land use compatibility. Drive-through uses are discouraged within Neighborhood Business Districts per the General Plan, and staff was concerned that drive-through uses immediately adjacent to residential on a relatively small site would be inconsistent with the City Council Policy on Drive-Through Uses regarding setbacks from residential. Residents of the area have expressed concern regarding the appropriateness of the proposed drive-through use and its compatibility with adjacent residential uses.

In response to community and staff concerns, the applicant clarified the nature of the proposed drive-through pharmacy. The applicant indicated that the drive-through pharmacy will be used exclusively for customer pickup of prescription medication, and that based on operations at other pharmacy sites, 25 to 35 customers per day are expected to utilize the pickup window. The drive-through pharmacy will open one hour later and close one hour earlier than the store. Based on the low-intensity nature of the proposed use, and the redesign of the project to provide buffering between the drive-through pharmacy and proximate residential uses, staff has

Although the proposed drive-through pharmacy pick-up area will be located 70 feet from the property line of a residentially used and General Planned property, inconsistent with the City Council Policy on Drive-Through Uses which specifies a minimum distance of 200 feet, staff believes that the proposed drive-through pharmacy has been designed to reduce potential for detrimental effects on adjacent and nearby residential properties. Further, the draft Development Standards for this project (see attached) allow the drive-through pharmacy use only and specifically prohibit any and all other drive-through uses. At the Planned Development Permit stage, staff will work closely with the applicant and the community on the final details of the site and landscape plans to ensure that the landscaping and other site features provide adequate buffering and screening.

Hours of Operation and Alcohol Sales. The Zoning Ordinance allows commercial uses within the City's commercial zoning districts to operate between the hours of 6:00 a.m. and 12:00 midnight by right, and requires a Conditional Use Permit for after-midnight operation. The proposed Development Standards for the subject Planned Development Zoning allow commercial uses to operate between the hours of 6:00 a.m. and 12:00 midnight but prohibit operation after midnight. The applicant has indicated that the store hours will be 8:00 a.m. to 9:00 p.m. on Monday through Friday, 9:00 a.m. to 7:00 p.m. on Saturday, and 10:00 a.m. to 6:00 p.m. on Sundays.

The applicant is proposing off-sale alcohol sales at this location. As is standard procedure, Planning staff requested Police Department input on the proposed off-sale. The Police Department indicated that the site is not located in a Project Crackdown or Weed and Seed area, that the location is near but not within the Burbank/ Del Monte Strong Neighborhoods Initiative area, that the census tract in which the proposed store is located is not unduly concentrated with off-sale ABC Licenses, and finally that the reported crime statistics for the Police Beat are not over the 20% crime index and therefore not considered unduly concentrated. The Police Department has no objections to the proposed project. In staff's experience, the off-sale of alcohol in conjunction with a grocery and/or drug store use is less problematic than off-sale alcohol sales at liquor and/or convenience stores. The off-sale of alcohol will require a Planned Development Permit and any potential issues associated with the alcohol sales will be dealt with as part of that process.

Site Features and Management. In response to neighborhood concerns regarding the proposed project, the applicant has proposed a number of store management measures and site features which have not been incorporated into the project plans (see attached letter from George Ramstad of Longs Drug Store to Council member Ken Yeager, dated January 8, 2004. A number of these proposals (such as the size of alcohol containers) are not items that can be

Conclusion

Based on the above analysis, staff concludes that the proposed rezoning is consistent with the General Plan designation for the site, will be designed to be compatible with surrounding land uses consistent with the Commercial Design Guidelines, and that the project generally conforms to the City Council Policy on Drive-Through Uses.

RECOMMENDATION

Planning staff recommends that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of General Commercial with Neighborhood Business District Overlay.
2. The proposed project is compatible with surrounding land uses.
3. The proposed project is consistent with the Commercial Design Guidelines.
4. The proposed project is consistent with the intent of the City Council Policy on Drive-Through Uses.

Attachments

cc: Erik Schoennauer, Schoennauer Consulting, 2066 Clarmar Way, San Jose, CA 95128